IN THE HIGH COURT OF JUDICATURE AT PATNA
G. APP. (DB) No.34 of 2008
THE STATE OF BIHAR
Versus
SHIV BALAK MAHTO
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2 **14.8.2008** Heard learned counsel for the State in respect of I.A.no.1689 of 2008 through which a prayer has been made to condone the delay of about five months in preferring this appeal to seek leave to challenge the judgment of acquittal in respect of sole accused Shiv Balak Mahto.

We have also gone through the judgment of acquittal and found that P.Ws 1 to 4 have clearly not supported the prosecution case whereas P.Ws 5 to 9 who are remaining material witnesses have supported the prosecution case to some extent but they have not disclosed the name of accused persons facing the trial or they have refused to identify in court. In such circumstances it is surprising as to why the State has preferred an appeal against such a judgment of acquittal when there is no legal evidence against the accused. On going through the explanation for delay as well as on merit we find no good reason to allow the prayer to condone the delay. The said I.A. is dismissed. As a result, this Government Appeal seeking leave to appeal against the acquittal is also dismissed as barred by limitation.

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(Shiva Kirti Singh,J)

(M.Saran,J)

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